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10/718,301	11/20/2003	Mazen Faraj	CA920030063US1	9790
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/718,301

Applicant(s)

FARAJ, MAZEN

Examiner

Eric Woods

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 23-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 23-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments, see claim amendments and Remarks, filed 6/8/2007, with respect to the rejection(s) of claim(s) 1 and 23-40 under various statutes have been fully considered and are persuasive.

Therefore, in view of applicant's amendments to claims 28-33, the rejection of claims 28-33 under 35 USC 101 has been withdrawn.

Claim 40 was added.

The rejection of claims 1 and 23-39 under 35 USC 103(a) do not stand withdrawn.

Applicant's arguments are not found to be persuasive.

However, upon further consideration, a new ground(s) of rejection is made in view of various references as applied below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 22, 28-29, and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pajak et al (US 5,388,196) in view of Bly et al (US 5,008,853 A) and Rich et al (US 6,457,065 B1).

Pajak teaches:

As to claims 1, 28, and 34, (method, CPP, system)

A method of interacting with locally and remotely stored data objects in a distributed data processing system, comprising:

-Determining whether a data object is stored on both a remote system in the distributed data processing system and a local system; (Pajak 8:4-50, 18:48-19:20, Pajak Figs. 3-6 show very clearly a file structure, which again as stated above must be inherent for a local file system, better illustrated in Fig. 7. Specifically, in Fig. 14 it is shown some files are local and some are remote as indicated by the locations shown on the chart. Clearly, objects are shown in the same viewer regardless of their location, but as shown in Fig. 14, objects are very clearly shown with different borders based on where they reside, e.g. as in 16:40-17:15, more details 17:16-19:10 where it is clearly stated the objects that are stored remotely have black borders as shown in Fig. 14.

Specific entries can exist in more than one place)

-Displaying on the local system, if it is determined that the data object is stored on both the local system and the remote system in the distributed data processing system, the data object as a hybrid data object, the hybrid data object

representing both the data object stored on the local system and the data object stored on the remote system; (Pajak 18:48-19:20 teaches that icon clearly shows that files can be local on a small terminal or still on the server, where clearly it would thusly serve as a 'hybrid icon'. Pajak Figs. 3-6 shows very clearly a file structure, which again as stated above must be inherent for a local file system, better illustrated in Fig. 7.

Specifically, in Fig. 14 it is shown some files are local and some are remote as indicated by the locations shown on the chart. Clearly, objects are shown in the same viewer regardless of their location, but as shown in Fig. 14, objects are very clearly shown with different borders based on where they reside, e.g. as in 16:40-17:15, more details 17:16-19:10 where it is clearly stated the objects that are stored remotely have black borders as shown in Fig. 14. The concept of the 'Shared book' is very clearly referred to there. Pajak fails to teach certain details of 'hybrid data object'.)

-Enabling a user on the local system to perform an action on the hybrid data object by first selecting the hybrid data object; (Pajak 10:28-60, Users clearly select objects and icons using mouse 30 and/or keyboard 25 in Figure 1, list of actions as in the cited portion, so clearly Pajak allows the user to select icons that include shared files as described above. Different actions are listed in 8:36-60, 10:48-60, 13:24-35, 14:55-60, etc, etc)

-Performing the action as indicated by the user. (Pajak clearly indicates that the actions are taken after the user instructs the system to do so, as long as the file lock for the remote object can be obtained).

Pajak fails to expressly teach certain details of '**hybrid data object**,' in that the file exists both locally and remotely in an independent manner; that is, that the file being edited can be done so locally without a lock to enable full independence in terms of having to have the file locked in order to edit it only locally, but Bly teaches that the file system used in Pajak can allow the user to a copy locally, e.g. on the desktop, that does not require the direct lock, since it is saved in separate directory. (Figure 2, section H – "To edit an entry 44 within a shared book 40, the user opens shared book window 42 and selects a desired entry 44A. Entry 44A should then be locked as previously described. When the <OPEN> command is invoked on a selected and locked entry 44B, the view of entry 44B replaces the workspace of shared book window 42 or, alternatively, a new window 35B is created on desktop 32 within which entry 44B is viewed and edited ... The user may also edit an entry 44 on desktop 32 outside of the shared book. The first step to accomplish this function is to <COPY> an entry 44 onto desktop 32. Note that the entry does not need to be locked in order to accomplish this function. Once on desktop 32, entry 44 can be edited like any normal VP document. The final step is to <COPY> edited entry 44 back into shared book 40" (Bly 31:27-32:15).

This kind of action can be made on global level, where the **hybrid data object** can be indicated as deleted, e.g. 33:40-34:5, e.g. "once locked, the user may delete the entry in

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the shared book by selecting it and invoking the <DELETE> command from keyboard

25. A confirmation message, "Confirm to permanently delete items from shared book?" will appear at desktop 32, to which the user responds, "Yes", as is known in the VP software system. This causes the local copy of the entry, if any exist on user's desktop 32, to be deleted along with the copy or copies present on the remote file service, i.e. the entry is completely exhumed from shared book 40. Furthermore, the entry's record is deleted from the database service. This means the entry is deleted without trace from the shared book representation."

It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the user to edit the document locally on the desktop so that if the server became unavailable (32:7-9) or the user desired to save tentative changes locally as a draft that the user could save such files locally in non-volatile storage, as pointed out in 31:1-32:15, specifically for the reasons pointed out that editing such documents on desktop is advantageous in 31:42-47. Bly also indicates the files status by indicating the "+" icon that file has been edited but not yet saved on the remote drive, e.g. shared book window (31:66-32:7).

Further, both Pajak and Bly fail to expressly teach, but Rich teaches:

-Prompting the user, in response to the user selecting the hybrid data object, to indicate whether the action is to be performed on the data object stored on the local system, the data object stored on the remote system, or both the data object stored on the local system and the data object stored on the remote system; and

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(Rich clearly teaches that when a user wants to make a change to an object, "...those changes are first made to an internal copy (called a 'version') of the object, without actually updating the persistent, stored object itself. The user eventually decides whether to permanently commit the changes encompassed by the transaction, or whether or to discard them. If the user chooses to commit, then the updated object in the version is copied to the persistent store. If the user chooses to discard the changes, the persistent store is left unchanged..." (7:53-8:20) Clearly, this is the teaching of **prompting the user** to decide which version of the object will be acted upon.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Pajak / Bly to allow the user to determine whether to act on the local copy and/or the remote copy simultaneously as it allows the maximum efficacy in action, e.g. the user only has to select one time what will be acted upon, and it therefore allows the user to consider whether or not the change should be committed to the persistent store, and/or locally modified.

As to claim 34 specifically – the system implementing the method of claim 1, Pajak teaches a computer with a processor and storage device, as shown in Figure 1, see 7:15-8:25, where computers have processors and storage devices, since they execute code and the like.

As to claims 23, 29, and 35, Pajak and Bly teach a hybrid data icon, as discussed in the rejection to claims 1, 28, and 34 above.

Claims 24-27, 30-33, and 36-39 are rejected under 35 USC 103(a) as unpatentable over Pajak, Bly, and Rich as applied to claims 1, 28, and 34 above, and further in view of Bartram et al (US PGPub 2004/0019640 A1).

As to claims 24, 30, and 36, clearly, a hybrid data object as listed above has the existence both locally and remotely, but Pajak, Bly, and Rich fail to expressly state that the list includes all actions can be performed on hybrid icon. Bartram has the both existences locally and remotely and so would allow users to perform certain actions against a local object (e.g. writes, changes, and other alterations) as well as global. Bartram clearly teaches that users can edit, copy, merge, and perform other tasks on shared objects as discussed above. Displaying such objects in list format is well known [0042, 0010, etc]. Bartram teaches that it is beneficial to show all version(s) of the files, both remote and local, where this facilitates understanding of what versions exist and what their chronological orders are, so that the user can choose which to merge and the like, which is a capability that Pajak does not have.

Therefore, it would have been logical to one of ordinary skill in the art to modify the system of Pajak to allow the additional flexibility of performing these kinds of edits on files and overcoming the single-lock limitation of Pajak so that multiple users could have local copies of a file to edit without the enforced locking mechanism of Pajak to enable better collaboration for at least the reasons set forth above, as well as to allow the multiple users to have the multiple local versions of the files, as shown in Figures 1-4.

As to the claims 25, 31, and 37, whilst Pajak, Bly, and Rich fail to expressly teach Bartram clearly teaches that the user performs actions on the local copy of the file, e.g. the user operates upon and changes the local version (see, for example, [0050-0063]). The motivation and rationale is incorporated by reference from the parent ground(s) of rejection.

As to claims 26, 32, and 38, whilst Pajak, Bly, and Rich fail to expressly teach Bartram clearly teaches that the user has certain limited options with respect to a remote object, namely that they first must make a copy of it and then operate upon it. It is quite obvious that this teaching would encompass only providing remote actions to remote files when selected. The motivation and rationale is incorporated by reference from the parent ground(s) of rejection.

As to claims 27, 33, and 39, whilst Pajak, Bly, and Rich fail to expressly teach but Bartram teaches if an object representation exists in more than one place (e.g. the hybrid object), it would be obvious that the user should be able to determine which version(s) to modify, change, or otherwise perform changes to. For example, if a rename command were issued, it would be obvious to let the user choose which location the rename command would be applied to, because the path on the server might be important (for example, say the file was stored in a web directory as /web/foo.html with CGI scripts targeting that location and locally as foo.html; a rename operation on the web server might change the entire structure of the web site and thusly a rename operation would not be wise; therefore, determining a location would be obvious). Although the example provided is somewhat contrived, it is a good, common

sense example of how paths on files (and dependencies on file names) can be very important. Again, the existence of a hybrid object necessitates fine-grained control over it for at least the above reasons. Motivation and combination are incorporated by reference from the parent claim. Note further that Bartram does allow the user to choose what operations to perform on local and/or remote copies of a file when sharing (e.g. merges and the like), as well as options to locally delete it and globally delete it once merged and the like.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Woods whose telephone number is 571-272-7775. The examiner can normally be reached on M-F 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on 571-272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eric Woods

10/1/2007


ULKA CHAUHAN
SUPERVISORY PATENT EXAMINER